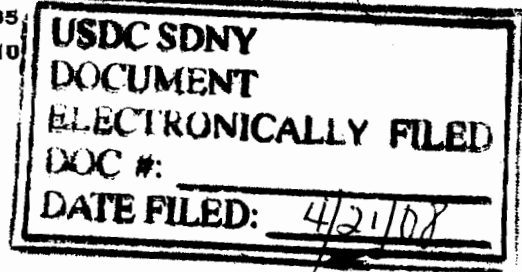


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DAN SHAKED
MICHAEL C. POSNER*

*ALSO ADMITTED IN NJ
April 18, 2008

Magistrate Judge Theodore Katz
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

VIA FACSIMILE (212) 805-7932

Re: Murphy v. Continental Airlines, Inc.
Date of Incident; 4-1-06

07 CV 9415 (NRB) (THE)

Dear Magistrate Katz:

This office represents the plaintiff's in the above captioned matter and the law office of McKeegan & Shearer represents the defendant Continental Airlines, Inc.

The court had scheduled a settlement conference before you on March 18, 2008 that was adjourned by the parties to April 24, 2008 at 10:00 a.m. The parties were directed to discuss settlement before the conference date and be prepared and authorized to settle the action at the conference.

The parties have appeared for depositions and have exchanged all requested paper discovery to date.

Initially, the defendant's counsel designated Kenneth J. Mroczek, MD to conduct a physical examination of the plaintiff. However, due to some confusion I believe at Dr. Mroczek's office regarding the nature of this examination, it was never scheduled.

Thereafter, the defendant's counsel advised our office that they had selected Dr. Robert Goldstein, M.D. to conduct the examination of the plaintiff. After some initial confusion at Dr. Goldstein's office regarding the arrangements for the physical, an examination was scheduled on April 16, 2008 for Friday April 18, 2008. Apparently,

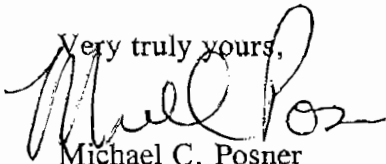
my correspondence did not reach the plaintiff in time to confirm her attendance and she was not present for the appointment today.

It is necessary and essential for the defendant to have the physical conducted and I have personally just spoken to Dr. Goldstein's office and arranged the examination for their next available date, to wit: **April 28 at 11 a.m.** and have confirmed with my client the date.

Accordingly, the attorneys for the parties jointly request that the settlement conference now scheduled for April 24, 2008 be adjourned to a date **after May 2, 2008** by which time the physical will have been completed and Dr. Goldstein will have issued his report.

Thank you in advance for your consideration of this request.

Very truly yours,



Michael C. Posner


Cc: George McKeegan

Cc: Mme. Justice Naomi Reice Buchwald

*The reference is adjourned to
May 7, 2008 at 2:00 P.M.*

4/18/08

SO ORDERED


THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE